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THE NEW STATEISM

BY JOHN M. MATHEWS

It is now possible to perceive that the gubernatorial elections of last November marked a turning-point in our recent political history in more respects than was at first supposed. The present trend of events shows that they set in motion certain forces which have hitherto escaped general recognition, but which are of far-reaching significance in their bearing upon the question of the relation between the Federal and the State governments. Those elections had the effect of throwing into at least temporary eclipse one whose strenuous advocacy of the exercise of national power to secure a "square deal" had given him a dominant position in the counsels of the nation, but whose erratic methods no longer appealed so strongly to the people. On the other hand, they brought from the shades of academic retirement into the limelight of the political arena one of the most virile, forceful, and inspiring personalities which this country has produced in a generation, one whose qualities of sane and constructive leadership in the field of State politics are now being amply demonstrated. But the result of those elections was more than the defeat of one man and the victory of another, more than a mere shifting of popular support from one leader to the other. Nevertheless, that result is, from one point of view, so closely connected with the principles for which these two men stand and the methods of political action which they have adopted that they cannot be wholly eliminated from consideration.

During recent years two important factors have loomed up prominently in the political situation: first, the glaring inefficiency of our State governments and, secondly, the unmistakable tendency toward nationalism. Between these two factors there exists an obvious causal connection. This has operated not through any formal change in the law, but

through a social pressure stronger than law itself. Government in a democracy should be largely, if not solely, a means for promoting the welfare of the individual and of society. The efficiency of government consists in the facility with which it lends itself to the attainment of this end. Under a dual form of government there may exist, through defect in organization or working, a very perceptible difference in the degree to which the two branches of the Government are adapted to the attainment of the before-mentioned end. In this case a powerful social pressure is inevitably created which beats against the barriers of the law and imperiously demands that the task of promoting the individual and general welfare shall be intrusted to that branch of the Government best adapted for its effective execution. This is the cause of the tendency toward nationalism and of the demand that the National Government perform functions and exercise powers which it has not hitherto been supposed to possess.

In this situation at least three possible courses of action present themselves. The first is that amendments to the Federal Constitution be adopted or that a constitutional convention be called for effecting a thoroughgoing readjustment of the powers of the National and State governments. This course would at least possess the merit of frankness and would avoid the danger which now exists of lessening the reverence of the people for law. But no one supposes that such a radical method of increasing the legal powers of the National Government is now feasible. In the second place, Federal power may be increased without any formal change in the law, but by the more subtle method of executive practice and the gradually expanding force of judicial construction. Whatever the merits or demerits of this course may be, it has been advocated by many on the supposition that there is no other practicable escape from the difficulty. But the trend of recent events shows that there is still another solution of the problem. This is the reform of State governments along a new line so as to make them adequate and efficient instruments for the free expression of the will of the people and for the ready execution of that will when thus expressed. How this can be done without any formal constitutional change in the organization of those governments is beginning to become clear through the developments in New Jersey under the master-

ful leadership and statesmanlike policy of Governor Woodrow Wilson.

The recent gubernatorial elections did not indicate that the much-heralded progressive principles had received a setback, but that they had found a new and able champion who would now have an opportunity of working them out along a new line. Progressivism is now advancing toward the same goal, but by a different path. Both Roosevelt and Wilson stand for progressivism. But Roosevelt stands for progressivism through the "new nationalism," Wilson for progressivism through the "new stateism." Whether for weal or for woe, whether intentionally or blindly, the people at the recent elections chose to give the "new stateism" a trial. With the States lie great possibilities of an increase of collective action for the general benefit and of a decrease of the use of governmental machinery for private and special interests. These ends can be attained through the State governments with less violence to existing constitutional arrangements than through the National Government. The "new stateism" aims to effect a change in both these directions by rescuing the State governments from the political morass in which they have hitherto floundered. The working out of the methods by which this change is to be accomplished the people have left to Woodrow Wilson and Governors of his stamp.

The most conspicuously weak point in our State governments is the Legislature, considered both in itself and in its relation to the Governor. The great need in such governments, as in any other, is able and disinterested leadership. Such leadership cannot be found in the Legislature, for responsibility is too diffused and the course of legislative procedure is too complicated for popular comprehension. The people have, therefore, naturally turned to the Governor, and have saddled him with the responsibility for both the formulation and the execution of public policy, though in too many instances he has had little, if any, legal power to influence either. In this position the Governor has frequently used his power of patronage to secure votes for and to offset opposition against the laws which public opinion demands, and even the President of the United States has not disdained to wield this questionable weapon as a club to bring Congress into submission. But however laudable the aim, the use of this means of influencing legislation

sooner or later defeats itself. In the first place, it undermines the influence and "credit of the Executive with the people from whom his power comes."* Again, it creates a spirit of distrust and perhaps resentment among members of the Legislature against the Governor, which prevents efficient co-operation between them. Lastly, it is unnecessary because there is another more effective and less questionable weapon at hand. This instrument is the personal influence of the Governor, supported by the full force of "pitiless publicity." It seems a simple matter, but it is the most effective means yet devised whereby an able, upright, and fearless Governor may mould the formulation and the execution of public policy for the general interest. "Pitiless publicity" enables the force of popular opinion to operate almost automatically so as to create support for legislation framed in the general interest and to smoke out the opposition, actuated by motives that will not bear the full light of day. For no matter how jealous a Legislature may be of its own prerogatives, no matter how incapable it may be of being bulldozed, wheedled, or cajoled by threats or intimidation on the part of the Governor, it cannot withstand the force of "pitiless publicity" wielded by a vigorous, independent, and courageous Governor, supported by the pressure of intelligent and aroused public opinion. And it is the function of the Governor to keep it aroused by a continuous and unmerciful application of repeated doses of publicity throughout the whole course of legislation. Bills have been too frequently railroaded or sidetracked through the sinister influence of bosses and lobbyists. In his new rôle the Governor himself becomes the virtual boss and shapes the course of legislation for the general interest, instead of for private and special interests. There is no danger in such bossism, for the Governor can be held accountable by the people while the unofficial boss cannot. This does not imply that the Governor is in continual conflict with the legislators and wields the big stick of his personal influence over them. On the contrary, he works, so far as possible, in entire harmony and co-operation with them. But in the case of a recalcitrant Legislature the Governor's power of appealing directly to the people always remains in reserve, though its existence would usually render its

* Address of Governor Woodrow Wilson before the House of Governors, Frankfort, Kentucky, November 29th, 1910.

exercise unnecessary. The result of this development is that the people have found an efficient means of making their will felt through the open leadership of the Governor. The influence of wealth and "big business" no longer outweighs the interests of the people as a whole. Public opinion becomes articulate and effective.

The regeneration and transformation of State government in this entirely extra-legal manner is not an abstract theory nor a pious wish, but is being practically demonstrated in New Jersey and some other States. Under her present Governor, New Jersey has been kept continually rubbing her eyes with surprise. The State has been routed out of her staid and stolid conservatism and there has been a State-wide awakening of civic consciousness. Innovation has followed innovation. The Governor has broken all precedents by appearing at legislative hearings and by participating in meetings of members of the Legislature and discussing with them questions of public policy. He has urged before them the passage of so-called "administration bills" and has been ready to take the stump unless they are passed. But resort to this extreme measure has not been necessary, for public opinion is already sufficiently aroused, and in the face of his persuasive eloquence the opposition of disaffected legislators has melted away. The result of these tactics has been that measures designed solely in the general interest, which formerly would not have reached third reading, have been passed; while others drawn for the benefit of some special class or of "the interests," which formerly would have gone through as a matter of course, have been blocked. No Eastern State can show a record of the passage in a single legislative session of a larger number of important progressive measures for the reform of State government and politics than can New Jersey. In the face of the determined opposition of the machines of both political parties acts have been passed granting just compensation to working-men for injuries; reforming the election laws so as to enable the people to nominate and to elect candidates without the intervention of the party machines, and providing drastic punishment for corrupt practices at elections; constituting a public utilities commission with adequate powers for the regulation of public-service corporations; permitting cities to adopt the commission form of government; and reorganizing the admin-

istration of the public schools of the State. These measures will cause New Jersey to advance from one of the most backward to one of the most progressive States in the Union. It has been an amazing accomplishment, and the Governor as the "third house" of the Legislature has been the most potent factor in bringing about the enactment of this enlightened programme of reform. This result constitutes a most notable achievement for one man. It is also a signal triumph for an efficient principle of political management.

The power of the Governor to mould public policy in the interests of the people will be still further augmented under the Geran Elections Act just passed, which provides that a State convention of each party shall be held annually for the purpose of adopting and promulgating a party platform, which convention shall be composed of the party candidates who have been nominated at the party primaries for the office of member of the Assembly or State Senator, together with hold-over Senators, members of the State Committee, and

"the candidate of the party for Governor nominated at the said primaries in the year in which a Governor is elected, and in each year in which no Governor is elected the Governor of the State shall be a member of the convention of the political party to which he belongs."

This provision has been denounced on the ground that it makes the Governor a dictator. This is really a powerful argument in its favor. We have outgrown the notion that the concentration of power necessarily means tyranny. The course we ought to pursue is the adoption of means for securing the location of power in the hands of the most responsible authority. The above provision is directly in line with this purpose. Public policy and legislation must be dictated from some quarter, and it is undeniably better that this dictatorship should rest with the Governor, in close touch with the people and working for the interests of all, than with the lobbyists and the representatives of privilege and plutocracy.

The open leadership of an able, responsible, and fearless Governor is thus opening up to the people of New Jersey and other States an effective instrumentality for the control of public policy by public opinion, and is making of the machinery of State government a more efficient means for the free expression of the popular will. Much remains to be done, especially with respect to the administrative ma-

chinery of the State, in order that the power of the Governor may be fully commensurate with his responsibility. But the forces already operating are beginning to remove the inefficiency of the State governments, and when carried out to their logical development will, to a large extent, loosen the causal connection before mentioned and thus check the tendency toward nationalism. Not that the people will look less to the National Government, but they will expect more from the State governments and that expectation will stand a much better chance of realization.

When the feasibility of thus transforming the State governments along simpler lines has been demonstrated in any one State such State will become an object-lesson to others. In this connection it is probable that the "House of Governors" will prove to be an effective vehicle of progress. It will serve as a common organ for formulating a common programme of State reform, so far as a programme on similar lines is desirable, and as a clearing-house for ideas on increasing the efficiency of State governments.

Since the States still have a most important part to play in our system of government, a readjustment of political forces within them is clearly imperative in order that they may take a larger share in promoting the general welfare and in protecting the individual and society from irresponsible predatory power. While some Western States are adopting the initiative and the referendum under the mistaken impression that a more direct participation of the people in legislation will necessarily and, as it were, almost automatically produce a more democratic government, New Jersey is working out a truer conception of democratic government in which the powers of government are better adapted to the interests of the people through the closer contact of the Governor with the Legislature on the one hand and with the people themselves on the other. The true initiative of the people is not a legal initiative, but the originating and stimulating force of articulate public opinion acting through the effective instrumentality of responsible executive power.

The significance of the "new stateism" lies not in its past accomplishments, but in its present and future possibilities. If the Governor is now urging the passage of "administration bills" introduced by his adherents, who can say that he will not soon be introducing them directly?

If the Governor is now appearing before informal meetings of legislative committees, who can say that he will not soon be found on the floor of the legislative chambers addressing the members directly on behalf of the programme of reform demanded by the people whose mouthpiece he is? None but a man of proved rectitude and large caliber would be capable of playing effectively the rôle of Governor under the régime of the "new stateism." But to *create* the rôle in the first instance as well as to play it when created could be the achievement of none but a man of extraordinary ability, of marvelous powers of persuasion, and of magnificent qualities of leadership. New Jersey enjoys the good fortune of having found such a man in Woodrow Wilson. Let us hope that he may be able to place the "new stateism" upon a solid and enduring basis before he is called to a more exalted post and a wider field of action in the service of the nation.

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